

## Document Control

Document Name	Document Register Number	Review Date
National Competition Policy	GOV.POL.0015.001	July 2015
Date Adopted	Minute Number	Summary of Changes
20 November 2013	3621	Revised

## Purpose

The purpose of developing the National Competition Policy (NCP) is to ensure that Greater Hume Shire Council operates without competitive advantages over other business as a result of their public ownership, when competing against the private sector businesses.

By establishing this policy, Council will be meeting its obligations under the National Competition Policy framework.

## Scope

National competition Policy advocates the delivery of local government services in relation to its significant business activities on commercial principles. It is designed to ensure that, where appropriate, Council sets prices on the same basis as the private sector by making adjustments for the advantages and disadvantages of public ownership.

This Policy is applicable to those activities to which competitive neutrality applies.

## Definitions

A complaint regarding competitive neutrality is:

- A complaint that Council has not met its requirements under the NSW Government's Policy Statement and the Division of Local Government Guidelines "Pricing and Costing for Council Business – A Guide to Competitive Neutrality". For example a complaint might be that Council has not applied full cost attribution. A complaint could also be that Council has not established an effective complaints handling mechanism;
- A complaint that Council has not abided by the spirit of competitive neutrality in the conduct of a business activity

A competitive neutrality complaint is **not**:

- A complaint regarding the level of service provided by a business activity (eg inadequate water quality, garbage bin not collected etc)
- A complaint regarding the cost of the service, unless it is that Council has not costed its service to take competitive neutrality into account

Complaints that do not concern competitive neutrality are to be dealt with through Councils normal Complaints channels.

## Policy Content

Council has previously resolved that the following Council activities will be classified as Category 1 Business (those activities with a turnover of over \$2 million pa)

- Nil

Council has previously resolved that the following Council activities will be classified as Category 2 Business (those activities with a turnover of less than \$2 million pa)

- Combined Water Supply
- Combined Sewerage Service

The “Pricing and Costing for Council Business – A Guide to Competitive Neutrality” requires Councils to adopt a Policy and a process for resolving competitive neutrality complaints.

The process must deal with resolving Competitive Neutrality Complaints prior to a formal complaint being made (the “preliminary Review Process”).

Competitive Neutrality Complaints that cannot be resolved after the Preliminary Review Process will be referred to the Division of Local Government for investigation and reporting on Competitive Neutrality Complaints about the Council’s Business Activities.

Council has developed the Preliminary Review Process which is aimed at resolving Competitive Neutrality Complaints through a process of consultation. Participation in the Preliminary review Process is seen by Council as the preferred means of establishing that a complainant has made the genuine attempts to resolve a Competitive Neutrality Complaint, as required by the Division of local Government.

### *Preliminary Review Process*

The Preliminary Review Process commences with the submission of a written complaint to the Public Officer specifying:

- How the complainant is an “affected person”, and
- How the complainant believes the competitive neutrality principles have been breached together with any supporting evidence that the complainant has.

The Public Officer must within 10 working days of receiving the written complaint, acknowledge its receipt in writing and request any further information required to properly consider the complainant’s concerns. When undertaking the Preliminary Review Process, the Public Officer must:

- Seek to establish the facts relating to the concerns expressed by the complainant. This may involve meeting with the complainant, collecting data, holding further meetings and recommending mediation;
- Within 45 days of receiving the complainant’s written complaint, develop a draft response to be forwarded to the complainant and requesting his/her views on the draft response, and
- Upon receipt of the complainant’s views on the draft response, provide a report to Councils General Manager and Director responsible for the Business Unit identified in the complaint on the findings of that Officer’s initial investigation and the complainant’s views on the draft response.
- On receiving the Public Officer’s findings and the complainant’s views on the draft response, the General Manager or delegated staff must prepare and send an adopted response to the complainant. That response must include details of how to make a formal complaint to the Division of Local Government should the complainant be dissatisfied with the adopted response.

### *Further Complaints Process*

Any person who is dissatisfied with Council’s response given may pursue the matter further by seeking a formal investigation by the Division of Local Government.

## *Council's Competitive Neutrality Complaints Register and Reporting Requirements*

Council is required to prepare and maintain a record of all Competitive Neutrality Complaints, associated decisions and recommendations.

Council will establish and maintain a register of all Competitive Neutrality Complaints, associated decisions and recommendations and report these in Council's Annual Report for each financial year.

Competitive Neutrality Complaints should be lodged in writing to:

The Public Officer  
Greater Hume Shire Council  
PO Box 99  
HOLBROOK NSW 2644

or

- at any Customer Service Office of the Greater Hume Shire Council
- by facsimile 02 6036 2683
- Via [mail@greaterhume.nsw.gov.au](mailto:mail@greaterhume.nsw.gov.au)

### **Links to Policy**

Complaints Handling Policy  
Customer Service Standards

### **Links to Procedure**

Nil

### **References**

Division of Local Government – "Pricing and Costing for Council Business – A Guide to Competitive Neutrality"

### **Responsibility**

Corporate Services

### **Relevant Legislation**

Local Government Act 1993

### **Associated Records**

Nil